

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT CHARLOTTESVILLE, VA  
FILED

MAY 15 2008

JOHN F. ZORCORAN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

BELMONT PARTNERS, LLC,

*Plaintiff,*

CIVIL No. 3:07cv00032

v.

ORDER

MOHAMAD T. NEHMEH, ET AL.,

*Defendants.*

JUDGE NORMAN K. MOON

This matter is before the Court on the pending motion for default judgment (docket entry #12, 16) filed by the plaintiff, Belmont Partners LLC, against the defendants, Mohamad T. Nehmeh ("Nehmeh") and Mario Pino ("Pino"). I referred this matter on March 25, 2008, to the Honorable B. Waugh Crigler, United States Magistrate Judge, for proposed findings of fact and a recommended disposition. Judge Crigler held an evidentiary hearing on April 15, 2008, to determine the defendants' liability for Belmont Partners' claims and the amount of damages, if any, to which Belmont Partners is entitled.

On April 24, 2008, Judge Crigler filed a Report and Recommendation ("Report") in which he recommended that (1) default judgment be entered against Nehmeh as to Belmont Partners' claim in Count I for breach of contract; (2) default judgment be entered against Nehmeh and Pino, jointly and severally, as to Belmont Partners' claim in Count V for conversion; and (3) that default judgment be entered against Nehmeh and Pino, jointly and severally, as to Belmont Partners' claim in Count VI for tortuous interference with contractual rights and/or business expectancies. As a result, Judge Crigler recommended that Belmont Partners be awarded compensatory damages against Nehmeh, under Count I, and against Nehmeh and Pino, jointly and severally, under Count V and Count VI in

the amount of \$74,926.26. Judge Crigler also recommended that Belmont Partners receive punitive damages against Nehmeh and Pino, jointly and severally, of \$125,000.00. Further, Judge Crigler recommended that Nehmeh and Pino be enjoined from making any claim of or attempting to exercise ownership rights or control over Distributed Power and its successors, including Global Pay Solutions.

After a review of the entire record in this case, and no objection having been filed to the Report within ten days of its service upon the parties, I adopt the Report in its entirety.

Accordingly, it is hereby ORDERED that:

1. default judgment is GRANTED against Nehmeh as to Count I, Belmont Partners' claim for breach of contract;
2. default judgment is GRANTED against Nehmeh and Pino, jointly and severally, as to Count V, Belmont Partners' claim for conversion;
3. default judgment is GRANTED against Nehmeh and Pino, jointly and severally, as to Count VI, Belmont Partners' claim for tortuous interference;
4. Belmont Partners is AWARDED compensatory damages against Nehmeh and Pino, jointly and severally, of \$74,926.26;
5. Belmont Partners is AWARDED punitive damages against Nehmeh and Pino, jointly and severally, of \$125,000.00; and
6. Nehmeh and Pino are ENJOINED from making any further claims of or attempting to exercise ownership rights or control over Distributed Power and its successors, including Global Pay Solutions.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all

counsel of record.

Entered this 15<sup>th</sup> day of May, 2008

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE